

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION**

In the Matter of	:	
	:	
Number Resource Optimization	:	CC Docket No. 99-200
	:	
Implementation of the Local Competition	:	CC Docket No. 96-98
Provisions of the Telecommunications Act of 1996	:	
	:	
Telephone Number Portability	:	CC Docket No. 95-116

**COMMENTS OF THE
NATIONAL ASSOCIATION OF STATE UTILITY CONSUMER ADVOCATES**

1. INTRODUCTION

On March 14, 2002, the Federal Communications Commission (“FCC”) released a Third Further Notice of Proposed Rulemaking (“Third FNPRM”) in the above-referenced proceeding reconsidering its findings in the Number Resource Optimization Third Report and Order regarding the local number portability (“LNP”) and thousands-block number pooling requirements for carriers in the 100 largest metropolitan statistical areas (“MSAs”).¹ The National Association of State Utility Consumer Advocates (“NASUCA”) is an association of 42 consumer advocate offices in 39 states and the District of Columbia. Our members are designated by laws of their respective states to represent the interests of utility consumers before state and federal regulators and in the courts. NASUCA submits that the FCC should ensure that LNP capability and pooling

¹ Third FNPRM at ¶1; *citing*, Number Resource Optimization, Third Report and Order and Second Order on Reconsideration, 17 FCC Rcd 134, CC Docket No. 99-200 (rel. Dec. 28, 2001) at ¶125 (“Third R&O”).

participation are widespread so that the benefits of pooling in slowing the proliferation of area codes can be maximized.

In support of these Comments, NASUCA submits as follows:

2. COMMENTS

A. The FCC Should Ensure That LNP Capability And Pooling Participation Are Widespread So That The Benefits Of Pooling In Slowing The Proliferation Of Area Codes Can Be Maximied.

1. Pooling And LNP Should Be Required In The 100 Largest MSAs.

In the Third Order on Reconsideration which accompanies the Third FNPRM, *sub judice*, the FCC reverses its prior clarification requiring all carriers within the top 100 MSAs to be LNP capable and participate in pooling regardless of whether they have received a request from another carrier to provide LNP.² The FCC then seeks further comment on this reversal. In particular, the FCC seeks comment on whether the benefits to competition and numbering resource optimization warrant a reinstatement of the original LNP requirement for all local exchange carriers in the largest 100 MSAs and whether all carriers within the largest 100 MSAs should be required

² Third FNPRM at ¶1.

to participate in pooling, regardless of whether they are capable of providing LNP or whether they have received a request to provide LNP in a particular switch.³

NASUCA submits that the use of pooling should be as expansive as possible, both in terms of the number of participants and the areas where it is being used so as to slow the proliferation of area codes. Therefore, LNP requirements should be extended to all carriers in the largest 100 MSAs, regardless of whether they receive a request to provide LNP, and all carriers in the top 100 MSAs would then be required to participate in thousands-block pooling as they would be LNP capable.

³ Third FNPRM at ¶¶8-9.

The FCC recognizes that the implementation of pooling has already had a tremendous impact on slowing the proliferation of area codes throughout the North American Numbering Plan (“NANP”) and likely has extended the life of the NANP well beyond 2020.⁴ The FCC has also acknowledged that its numbering resource optimization efforts, which primarily involve pooling, have contributed to the dramatic reduction in telephone number assignments and area code relief efforts over the last year.⁵ More specifically, the FCC has stated that “by implementing a system of mandatory numbering resource utilization and forecast reporting, and thousands-block number pooling, we have directly, and successfully, attacked the major drivers of

⁴ See, Third R&O, at ¶1 (the FCC stated that “by working with state commissions and the telecommunications industry, the Commission has been able to refine its numbering administration policies and processes, resulting in a substantial increase in the estimated life of the NANP as projected just two years ago”).

⁵ Third R&O at ¶1.

numbering exhaust.”⁶ Furthermore, the FCC has recognized again that the higher the number of carriers that participate in pooling, the more effective the pooling becomes.⁷

NASUCA further submits that the costs and burdens disproportionately borne by consumers as a direct result of the implementation of each new area code are well documented. A change in a consumer’s area code often requires notifying friends and businesses of that change, and also reprinting stationery, advertising, etc. If callers are not aware of a new telephone number, important calls may not be completed. Reprogramming calling data bases and alarm monitoring devices can also be expensive. The cost of reprogramming network equipment for telecommunications carriers are also considerable. There may also be public safety concerns due to problems in the handling of 911 calls as a result of telephone number changes. There may also be many unforeseen difficulties that may arise as a result of the proliferation of area codes.

⁶ Third R&O at ¶8.

⁷ See, Third FNPRM at ¶9; *citing*, Number Resource Optimization, Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 99-200, 15 FCC Rcd 7574 (rel. March 31, 2000).

These real costs are exacerbated should the entire NANP exhaust. Complete exhaustion of the NANP could result in eleven or twelve digit dialing, thus causing an entirely new set of real costs to consumers as well as a massive amplification of those costs noted above. The FCC has estimated that the cost of expanding the existing 10-digit dialing protocol to accommodate more numbers, which would be required after NANP exhaust, would range from \$50 billion to \$150 billion.⁸ Thus, there are great financial costs imposed upon the public as a result of area code changes and the FCC should take all reasonable steps to conserve this resource.

NASUCA submits that the costs of LNP are outweighed by the benefits created by service providers being LNP capable and participating in pooling. This is evident in the effectiveness of pooling in delaying, if not eliminating, the customer confusion and inconvenience that is caused by the proliferation of area codes. Therefore, NASUCA submits that the FCC should ensure that LNP capability and pooling participation are widespread so that the benefits of pooling in slowing the proliferation of area codes can be maximized.

2. The Use Of Combined MSAs For Pooling Purposes Is Appropriate.

⁸ Notice of Proposed Rulemaking, In the Matter of Number Resource Optimization, 14 FCC Rcd 10,322, CC Docket No. 99-200 (rel. June 2, 1999), at ¶34.

In response to the FCC's questions regarding whether combined MSAs, known as CMSAs and a term used by the U.S. Census in their 2000 report, should be included in determining the areas in which LNP and pooling will be required,⁹ NASUCA submits that, in tune with the above, the areas in which carriers are required to be LNP capable and participating in pooling should be as expansive as possible so as to further slow the proliferation of area codes. Therefore, the definition of the largest 100 MSAs should include the greatest number of area codes so that the benefits of pooling can be realized by the greatest number of consumers, regardless of whether these areas are referred to as MSAs or CMSAs.

As such, NASUCA submits that the FCC should ensure that LNP capability and pooling participation are widespread so that the benefits of pooling in slowing the proliferation of area codes can be maximized. Combined MSAs, as used by the U.S. Census, actually reflect living patterns in a more metropolitan and mobile society. LNP requirements should be extended to all carriers in the largest 100 combined MSAs.

⁹ Third NPRM at ¶10.

3. CONCLUSION

The National Association of State Utility Consumer Advocates respectfully submits that the Federal Communications Commission should consider the above comments when deciding the issues discussed above. More specifically, NASUCA submits that the FCC should ensure that LNP capability and pooling participation are widespread so that the benefits of pooling in slowing the proliferation of area codes can be maximized.

Respectfully submitted,

Philip F. McClelland
Senior Assistant Consumer Advocate
Joel H. Cheskis
Assistant Consumer Advocate
Pennsylvania Office of Consumer Advocate
555 Walnut Street, 5th Floor
Forum Place
Harrisburg, Pennsylvania 17101-1923
(717) 783-5048

For: Michael Travieso
Chair, Telecommunications Committee
NASUCA
1133 15th Street, N.W., Suite 550
Washington, D.C. 20005
(202) 727-3908

May 6, 2002

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May 6, 2002

Office of the Secretary
Federal Communications Commission
445 12th Street, S. W.
Washington, DC 20554

In the Matter of: Numbering Resource Optimization
CC Docket No. 99-200
Implementation of the Local Competition Provisions
of the Telecommunications Act of 1996
CC Docket No. 96-98
Telephone Number Portability
CC Docket No. 95-116

Dear Secretary:

Enclosed please find an original and four copies of the National Association of State Utility Consumer Advocates Comments in the above-referenced matter. Please also note that these Comments have been filed with the Commission electronically.

Please indicate your receipt of this filing on the additional copy provided and return it to the undersigned in the enclosed self-addressed, postage prepaid, envelope. Thank you.

Sincerely yours,

Joel H. Cheskis
Assistant Consumer Advocate

Enclosure
cc: Pam Slipakoff/Network Services Division

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I hereby certify that I have this day served a true copy of the foregoing document,
National Association of State Utility Consumer Advocates Comments, upon parties of record in this
proceeding. Dated this 6th day of May, 2002.

Respectfully submitted,

Joel H. Cheskis
Assistant Consumer Advocate

Counsel for
Office of Consumer Advocate
555 Walnut Street, Forum Place, 5th Floor
Harrisburg, PA 17101-1923
(717) 783-5048

*68829